

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Terry Heggs,

Plaintiff,

Case No. 20-CV-2302 (KMM/ECW)

v.

ORDER

Department of Corrections et al.,

Defendants.

The above matter comes before the Court upon the Report and Recommendation (R&R) of United States Magistrate Judge Elizabeth Cowan Wright, dated July 22, 2022. No objections have been filed to that R&R in the time period permitted.

The Court reviews de novo any portion of the R&R to which specific objections are made. 28 U.S.C. § 636(b)(1); D. Minn. LR 72.2(b). In the absence of objections, the Court reviews the R&R for clear error. *Nur v. Olmsted County*, 563 F. Supp. 3d 946, 949 (D. Minn. 2021) (citing Fed. R. Civ. P. 72(b) and *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam)). Based on the Court's careful review of the R&R and the record in this case, the Magistrate Judge committed no error, clear or otherwise.

IT IS HEREBY ORDERED:

1. The Report and Recommendation [ECF No. 47] is **ACCEPTED**.
2. Defendants' Motion for Summary Judgment [ECF No. 21] is **GRANTED**.

3. Plaintiff's claims for monetary damages against Defendant Minnesota Department of Corrections and the individual Defendants in their official capacities are **DISMISSED WITHOUT PREJUDICE**.
4. Plaintiff's claims for prospective relief are **DISMISSED WITH PREJUDICE**.
5. The claims against Defendant Sergeant Padelford in his individual capacity are **DISMISSED WITHOUT PREJUDICE**.
6. The claims against Lieutenant Spets, CPD Reed, and Sergeant Nerirer are **DISMISSED WITHOUT PREJUDICE**; and
7. The claims against all other Defendants in their individual capacities are **DISMISSED WITH PREJUDICE**.

Let Judgment Be Entered Accordingly.

Date: September 19, 2022

s/ Katherine M. Menendez
Katherine M. Menendez
United States District Judge